



THE PUNDIT

Michigan's Source for
Child Support Information

SCAO Friend of the Court Bureau - Working to Improve Outcomes within Michigan's Child Support System

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FIFTEEN MINUTES OR LESS: How Macomb County Efficiently Establishes Parenting Time Orders with the Help of Prosecuting Attorneys

Fifteen minutes or less. In today's at-your-fingertips world, consumers count the minutes. Ordering a pizza? Twenty minutes or it's free. Buying car insurance? Fifteen minutes saves you 15% or more. Need a new pair of shoes? Have it shipped by drone to your door in an hour.

Setting an effective, enforceable parenting time order? Well, we hope we can spare a little more time for that.

Protecting our children's well-being is a responsibility Michigan treats seriously. Establishing the first Friend of the Court (FOC) system in the country, Michigan has helped ensure not only that all children will be supported financially but that willing, fit parents have an adequate opportunity to parent. The stakes are high and we have built an entire system of legal processes to safeguard these interests.

Yes, processes take time, but can still be completed efficiently. In Macomb County, FOC staff and prosecuting attorneys (PAs) are working together to craft more effective orders and maximize enforcement efforts. For the last year, Macomb County PAs have been trying to incorporate specific parenting time provisions into orders. "Where possible," according to Macomb Assistant PA Beth Naftaly Kirshner, "we are trying to move away from 'reasonable' as the standard for parenting time." Macomb's Family Support Division is joining other PA offices to incorporate specific parenting time in their orders.

Peek into any courtroom in the country and you will see attorneys wondering what exactly 'reasonable' means. Nevertheless, this uncertainty is largely unnecessary with parenting time. Kirshner reports that "most parties have discussed parenting time before coming into the PA's office." When the parties agree to a schedule, that schedule is written into the order. If the parties are not yet at a specific schedule, the PA will explain the court's standard parenting time schedule which was drafted by the FOC and approved by the bench. Most parties find the standard schedule fits their needs, or they may agree to modify the schedule. Once the parties agree, the schedule is written into the order and the parties are able to move forward with a clear picture of what their rights and obligations will be under the order. *(continued on Page 2)*



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Macomb County Parenting Time Orders (continued from Page 1)

When the parties do not agree, the PAs office does not push an agreement on them. “We don’t represent anyone for custody or parenting time pursuant to statute,” says Kirshner, “but we are hopeful that we can achieve a specific parenting time schedule so that the children have stability and both parents involved in their lives. Where the parties can’t agree, the parties can either agree to a temporary order with support based on guidelines or the PA’s office will schedule a court hearing.” If the parties agree to a temporary order, the matter can be referred directly to the FOC. In those instances the PA will write an order referring the parties to the FOC. Once approved by the judge, the parties are allowed to by-pass a court hearing and enlist the alternate dispute resolution (ADR) services used when parties disagree with a parenting time schedule already in place.

Upon receiving a direct referral, the FOC will notify the parties of an appointment date to facilitate the issue of parenting time and/or custody with an FOC field investigator. If the matter is not resolved, then a complete investigation and a recommendation is completed. This allows the parties a second opportunity to come to their own resolution. FOC Thomas Blohm reports that the FOC uses this opportunity to “educate the parties on the aspects of parenting time and custody as well as providing information to new Macomb FOC users.”

The effect this procedure has on enforcement efforts is yet unclear, but the idea is to narrow the gap between setting an order and bringing an enforcement proceeding – or, in the best case, to prevent an enforcement proceeding altogether. The parties will not always agree but “anything that allows us to connect with people earlier is going to help with enforcement later,” says Blohm. “We’d rather deal with issues now than down the line.”

In Macomb County’s experience, however, few issues require a direct referral. Kirshner estimates that more than 90% of the parties she meets with agree on a parenting time schedule and “the whole process usually takes no more than 5 to 15 minutes.” In less than 10% of cases that necessitate direct referrals, FOC Blohm estimates that the vast majority are resolved through facilitation.

Macomb PA and FOC offices are working together to develop a more cohesive relationship including providing specific parenting time, recognizing avenues to increase incentives, distributing information efficiently to clients, and developing a means to right size prior orders. The effects of this cohesive partnership have greatly benefited the families of Macomb County.

The Michigan child support and parenting time programs may never be able to promise Dominos delivery speeds or Geico-esque returns. Nonetheless, PAs and FOC staff in Macomb County are assisting families by efficiently establishing parenting time orders in 15 minutes or less.



THE PUNDIT

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The Pundit provides information on current issues to Michigan child support staff. The Pundit is not intended to provide legal advice and does not represent the opinions of the Michigan Supreme Court or the State Court Administrative Office.

WITs and Your Importance to Them



The Michigan Child Support Program is comprised of several entities such as the Office of Child Support (OCS), Friend of the Court Bureau (FOCB), local friend of the court offices (FOCs), and prosecuting attorneys (PAs) who work together in a unique partnership. In order to help facilitate this partnership, there are several Work Improvement Teams (WITs) and workgroups. These WITs and workgroups help the child support program reach its strategic goals by improving the program's accessibility, timeliness, processes, and customer service. The WITs and workgroups discuss issues, make decisions by consensus, and provide recommendations to the Program Leadership Group (PLG). Membership of both the WITs and the workgroups is comprised of child support partners, including staff from the OCS, FOCB, FOCs, and PA offices. The more diverse the membership of the WIT and workgroup, the more successful the group will be in helping the child support program improve.

INTERESTED IN JOINING A WIT?

If you are a child support program partner, you are eligible to join a WIT. Many of the current WIT and workgroups have openings for various partner members. Members of WITs and workgroups must be able to commit time each month to the WIT or workgroup that they belong to. Much of the effort of these groups is conducted by e-mail and phone conferences. The workgroups have one or two meetings per month, each lasting two to four hours. Members generally spend four to six hours per month reviewing documents and responding to e-mails. Team members agree to three-year commitments. If, after three years no replacement member is available, members may be asked to extend their commitment until a replacement is found; however, members are under no obligation to extend their commitment.

If you are interested in joining a WIT or workgroup, navigate to the "Partner Activities" menu on the mi-support website and click on the link "PLG, Workgroups, and WITs". Scroll down for the PDF document titled "How Do I Sign Up?" and complete the form. Send your completed form to Vita Pizana at pizanav@michigan.gov. Individuals who apply to be a WIT or workgroup member will be placed on a waiting list for membership. As members are needed for each WIT and workgroup, the co-leads of the group will refer to the list of interested individuals and will reach out to add them to the groups.

CURRENT WORK IMPROVEMENT TEAMS.

The WITs make recommendations on how to improve or enhance the child support program by analyzing its policy, user testing, business requirements, improvements, and by providing system documentation review, enhancement, analysis and recommendations. There are five WITs; tasks are described below.

Establishment – The Establishment WIT reviews, analyzes, and recommends processes and system enhancements for topics related to the establishment of paternity and child support orders.

Case Management – The Case Management WIT reviews, analyzes, and recommends processes and system enhancements for topics related to the management of IV-D cases. This includes working with the Department of Health and Human Services on the referral process, analyzing member and case data in the child support system, processing referrals to the prosecuting attorney's office, and improving the data relevant to all areas of the IV-D program.

Financial – The Financial WIT reviews and analyzes finance-related system enhancement requests. It also recommends improvements for financial processes.

Enforcement – The Enforcement WIT reviews, analyzes, and recommends processes and system enhancements for topics related to the enforcement of child support orders, including but not limited to income withholding orders, show cause, license suspension, credit reporting, lien/levy, medical support, federal/state tax refund offset, and review and modifications.

Intergovernmental – The Intergovernmental WIT provides information on child support issues that involve two or more states or entities. It addresses intergovernmental training needs for both new and seasoned IV-D workers, analyzes proposed system enhancements, and develops a comprehensive work plan to identify and recommend solutions to intergovernmental issues.

(Continued on Page 4)

Work Improvement Teams *(continued from Page 3)*

WORKGROUP FUNCTIONS

The workgroups provide input on internal program communication methods, protocol, and business processes. There are three workgroups. Each workgroup and its tasks are described below.

MiChildSupport Workgroup – The MiChildSupport Workgroup develops and directs efforts to improve MiChildSupport, Michigan’s website for child support customers, by:

- ◆ Reviewing and prioritizing MiChildSupport enhancements.
- ◆ Planning releases for future MiChildSupport improvements.
- ◆ Performing user acceptance testing for MiChildSupport improvements.
- ◆ Reviewing and approving communications related to MiChildSupport.

Performance Management Workgroup – The Performance Management Workgroup develops and implements ways to better manage performance in the child support program, including:

- ◆ Identification of specific factors to improve performance.
- ◆ Reviewing and monitoring data to ensure that the data is consistent and accurate for operations management and reporting activities.

Web Governance Workgroup – The Web Governance Workgroup reviews the Michigan child support program websites and recommends ways to improve site usability and customer satisfaction. It also consults with the mi-support webmaster to assess business needs and make recommendations for future mi-support enhancements.

FOCA’s New Website Helps Members Communicate

In 2013, FOCA partnered with Courtland Consulting to redesign and repurpose their website. There were two main goals in this project: reestablish the web presence for the public and create a more effective communication tool for membership. Members collaborated and gave input on the website layout, purpose, and functionality. By all accounts, this has been a tremendous success.

The first step was to rebrand FOCA’s domain to make it clearer that there was a Michigan focus. Prior to this rebranding, it was unclear that FOCA served the needs of Michigan’s children and families. The next step was to develop a new website, which was released in two phases. Now, the new website includes an interactive and user-friendly design that provides information to the general public and includes a private portal for members. Within the first year, FOCA saw a 28 percent increase in unique visitors.

The private portal redesign is the most important part of this effort. Within this portal, members can post job opportunities, update member directories, register for conferences, post events and meetings to an online calendar, and participate in news and discussion blogs. The conference registration and discussion blogs have been noted as the most important and successful changes.

FOCA members are now able to register for upcoming conferences online and apply for fee waivers for those conferences with great ease. According to Trisha Andrzejewski, the addition of conference registration and materials has become a great resource tool. Additionally, the automation of documents has sped up the registration and documentation process and allowed volunteers to save time and focus on other issues. Documents are also posted for board meetings.

The discussions blog revolutionized how members communicate. According to Judah Garber, Washtenaw County Friend of the Court, “Communication among members is key to all FOCA’s missions and is perhaps the Association’s most important function as an end in itself. Members possess a great deal of collective knowledge and experience. It is interesting and valuable to share that knowledge and learn how our counterparts conduct business in our diverse offices throughout Michigan.” *(continued on Page 5)*



FOCA's New Website *(continued from Page 4)*

Prior to the revamp, a listserve was used for members to pose questions to the group. Unless emails were saved, the listserve was unsearchable and did not allow members to review prior questions and answers. Mr. Garber stated that, "the blogging application in particular has increased the number and variety of group discussions and participants. The website allows members to post discussions (blogs) by topic so folks can participate in or read discussions of interest and ignore topics of no interest. It is much easier to find old discussion threads, sorted by topic in the archives, than it was to search through old emails. Committees can have their own sub-lists and/or discussions."

Overall, the redesign has been a large success. Because of public resources available, clients are finding the forms and contact information they need for their local friend of the court office. Members are able to easily communicate and receive answers, register for conferences and review conference materials.



THE LIFE OF A HELPDESK TICKET

You have logged a MiCSES Helpdesk ticket. So, what happened to it? You have probably asked yourself this question a dozen times, so we are here to shed some light on the process for you.

Step 1: Helpdesk

MiCSES Helpdesk tickets can be entered by calling the MiCSES Helpdesk directly at 800-968-2644; sending an email to DIT-MiCSES-HelpDesk@michigan.gov; or by submitting a web form via the mi-support webpage.



Why would you enter a Helpdesk ticket?

MiCSES Helpdesk tickets are entered for a variety of reasons. The Helpdesk and the ticket process are seen as the direct line of communication from the field to central office. Think of the Helpdesk as the triage unit moving patients from the field, assessing each one, making a diagnosis, and then referring the patient to a specialist for further work. Tickets can be entered for: password changes; application user access requests or terminations; training needs and questions; MiCSES system enhancement requests, and; reporting MiCSES functionality problems (quite possibly the most significant reason).

IV-D staff in the field play an important role in entering tickets that report systemic MiCSES issues. Without these tickets, problems with the daily operation of MiCSES could go unnoticed and unaddressed for long periods of time, leading to compounded problems in the future. Therefore, IV-D staff are encouraged to enter Helpdesk calls for problems even if they are aware that another county may have entered a ticket for the same issue. Entering multiple tickets on the same issue provides the MiCSES system with valuable information. Multiple tickets on an issue might convey whether the problem users are experiencing is localized or spread throughout the state. It also reflects (to a limited degree) the volume or significance of the problem.

Tickets such as password changes, user application access requests or terminations, and most training questions are immediately resolved by Helpdesk staff. Tickets requesting localized and complex training are referred to the Office of Child Support's (OCS's) training department for review and action if applicable. *(continued on Page 6)*

HELPDESK TICKET *(Continued from page 5)*

Step 2: Application Research Team

Tickets suggesting MiCSES enhancements and/or reporting systemic MiCSES issues are referred to the MiCSES application research team for additional investigation. When entering a ticket to report a MiCSES problem, provide as much detail as possible. The following are suggested items: IV-D case number; Member ID number; Docket number; County Name; Screen Name; a brief description of the issue (what actions were taken, what actions or outcomes were expected, what outcomes actually happened, etc.); screen shots; and your phone number. Once the application research team has reviewed the ticket and identified the problem, possible solutions, program impacts, and workarounds, the ticket will be sent for review to the ticket assessment group (TAG).

Step 3: Ticket Assessment Group (TAG)

TAG has membership from across the program and meets monthly to review Helpdesk tickets that have been escalated to the group via the application research team. TAG ranks tickets with priority numbering from one to four. Tickets are evaluated based on a variety of issues which include, but are not limited to, the following program impacts: legislative or policy related changes; cost savings; customer impact; strategic plan goals; impact to financials; audit findings; and problems identified by MiCSES users. Tickets that are ranked highest get moved to a master ticket list used by the Release Planning Group to select work for future MiCSES releases.

Step 4: Release Planning Group (RPG)

The master ticket list is referred to as the RPG list. The tickets are maintained in a priority order that is categorized by functional category (for example: case management). The RPG meets monthly to review any new tickets sent to the RPG via TAG. The RPG also discusses and creates a plan for upcoming MiCSES releases, first identifying possible units of work from the RPG list to be sent to analysis. The project control office (PCO) then “fits” tickets into the project release schedule based on priority ranking and available development resources. (The program leadership group (PLG) also sends larger projects directly to the RPG list outside of the ticket/helpdesk process.)

Step 5: Analysis

Analysis begins with dissecting the original issue identified in the Helpdesk ticket through the use of a scope statement. Scope statements are developed in discussions between the Office of Child Support and the MiCSES application development vendor (currently Accenture). The scope statement lists all existing Helpdesk tickets, related to the identified unit of work that will be addressed by the system changes. It provides an overview of what users want to see changed, and lists impacts and risks. With the scope statement as a guiding tool, a joint application design (JAD) team is formed. The JAD discusses ideas, needs, desires, and changes that are recorded in business, functional, and system design documents. Before these documents are sent to the development team to begin the work of designing the fixes, the completed design is sent back to the RPG.

Step 6: A Return to RPG

Once tickets are returned to RPG, RPG re-prioritizes for the next MiCSES release. MiCSES releases usually have units of work prioritized six months in advance of the scheduled release. This period of time allows the application construction team to build and test the designs.

Step 7: PCO Fit for a Release

The project control office (PCO) uses a priority list set by the RPG to select units of work to be sent to the development team. When selecting units of work, the PCO also must take into consideration not only the RPG priority but also the availability of development staff time and resources. Once this is accomplished units are “fit” into the release and officially sent to the development team.

Step 8: Development and Construction

The business, functional, and system designs developed in the JAD meetings are turned into a technical design for the new MiCSES process. The development team constructs the new application process in MiCSES. Before the new process is released, it is sent through a rigorous internal system and user test to ensure any defects are resolved. Once the system test is complete, the design is then subjected to user testing. After a successful completion of user testing, the new design is considered ready to be released.

Step 9: MiCSES Release

The last step in the process occurs when new application changes are available to the user community in the form of a new screen, etc. With large system changes, there is always the potential that some changes are not implemented in the production or user environment as designed. Therefore, it is essential that when problems are identified, users enter a Helpdesk ticket to address the concerns, at which time the process begins again.





MICHIGAN COURT OF APPEALS DECISIONS

PUBLISHED AND UNPUBLISHED see: <http://courts.mi.gov/courts/coa/opinions/pages/zipfiles.aspx>

Falconer v. Stamps and Weddington, published per curiam, released December 22, 2015. (Docket No. 323392). When a child has an established custodial environment with a grandparent and the court awards sole physical and legal custody to the child's natural parent, the court may not consider grandparenting time sua sponte because a request for grandparenting time must be brought as a separate motion.

Zelasco v. Zelasco, unpublished per curiam, released December 8, 2015. (Docket No. 324514).

When the parties to a divorce have agreed to an arbitrator and that arbitrator dies, the Domestic Relations Arbitration Act does not permit appointing a new arbitrator without the parties consent, and any interim awards by the now-deceased arbitrator intended to be conclusive on an issue are not vacated.

Van v. Van, unpublished per curiam, released December 8, 2015. (Docket No. 323294).

Plaintiff established residence in Michigan where despite Plaintiff's living out of state for four months, Plaintiff initially intended to stay in Michigan, plaintiff returned to Michigan, and defendant caused plaintiff to leave Michigan.

Reis v. Koss, unpublished per curiam, released December 10, 2015. (Docket No. 326850).

Decreasing parenting time from 182 days to 77 days does not defeat a motion for change of domicile because the test is not what is best but rather what presents a realistic opportunity to pursue and foster the parental relationship.

McNutt v. McNutt, unpublished per curiam, released December 15, 2015. (Docket No. 328214).

The mother's persistent manipulative behavior causing the children in-patient psychiatric care is a proper consideration under MCL 722.23(1) (other factors) to support order changing custody to father with limited supervised visitation to mother.

Kolailat v. McKennett, unpublished per curiam, released December 17, 2015. (Docket No. 328333). Same-sex plaintiff may not seek equitable parent status of her partner's biological child when she never adopted the child and she and her partner were not married.

Guggilla v. Polu, unpublished per curiam, released December 22, 2015. (Docket No. 328318).

Where defendant presents a Green Card to the court and has not demonstrated that her English skills are so poor as to prevent her from obtaining work, the trial court did not err in considering her lack of employment, or lack of searching for employment, in imputing a yearly income of \$25,000 for purposes of child support.

Roller v. Roller, unpublished per curiam, released January 14, 2016. (Docket No. 324130).

A finding of criminal contempt requires an unequivocal and clear violation of a specific provision of the order, and the general grant of joint custody is insufficient to constitute an unequivocal or clear order requiring the parties to agree on decisions relating to religious issues, such as the child's baptism.

Kleinjan v. Carlton, unpublished per curiam, released January 19, 2016. (Docket No. 328772).

After custody/parenting time mediation agreement is signed at the end of the mediation, parties cannot disavow the agreement by refusing to sign the proposed court order.

Harper v. Combs, unpublished per curiam, released January 21, 2016. (Docket No. 328093).

Where the trial court does not indicate the grounds for finding a change in circumstances, the trial court errs by modifying the custody order and further errs by not determining whether a change in schools, and resulting change in parenting time, would alter the child's established custodial environment.

Solomon v. Smith, unpublished per curiam, released February 9, 2016. (Docket No. 327979).

After child suffers injuries while in defendant's care, collateral estoppel does not preclude the court from ordering an interim change of custody motion after a child protective proceeding did not result in a termination of defendant's parental rights. (*continued on Page 8*)

**MICHIGAN COURT OF APPEALS DECISIONS**PUBLISHED AND UNPUBLISHED see: <http://courts.mi.gov/courts/coa/opinions/pages/zipfiles.aspx>**Michigan IV-D Memorandum (Office of Child Support)****2016-001 (Jan. 4, 2016) Michigan's Adoption of the Uniform Interstate Family Support Act (UIFSA) 2008**

This IV-D Memorandum announces changes to intergovernmental case processing due to the passage of UIFSA 2008, as required by the [Preventing Sex Trafficking and Strengthening Families Act](#) (Public Law 113-183). Michigan's UIFSA 2008 is a comprehensive revision to UIFSA 1996. It provides the framework for intergovernmental paternity and support establishment, and enforcement and modification of child support obligations.

2016-002 (Jan. 12, 2016) Central Paternity Registry and Birth Registry System (CPR/BRS) User Monitoring Requirement

This IV-D Memorandum introduces a new requirement for IV-D offices to semiannually report their CPR/BRS users' status to OCS by using a new report implemented in the Electronic Grants Administration & Management System (EGrAMS). This requirement will take effect in January 2016.

2016-003 (Feb. 26, 2016) Actions for Meeting Federal Requirements in the IV-D Application Process and Clarifications of Policy Regarding IV-D Services in Domestic Relations Cases

This IV-D Memorandum discusses actions for meeting federal requirements in the IV-D application process, including changes to the IV-D application process for customers who are parties on privately filed domestic relations cases. It also announces revisions and clarifications to policy regarding IV-D services in domestic relations cases.

2016-004 (Feb. 5, 2016) Expansion of the Data Warehouse (DW) View for Health Support and Family Services (HSFS) Staff and Updates to Sections 4.25, "Birth Expenses" and 6.06, "Medical Support" of the Michigan IV-D Child Support Manual

This IV-D Memorandum announces the expansion of the Michigan Department of Health and Human Services (MDHHS) HSFS Data Warehouse (DW) view and updates to Sections 4.25, "Birth Expenses" and 6.06, "Medical Support" of the Michigan IV-D Child Support Manual. On February 10, 2016, DW staff will expand the HSFS DW view to include medical support obligation and insurance coverage data for IV-D cases of current or former Medicaid recipients whom MDHHS referred to MiCSES.

2016-005 (Mar. 8, 2016) Self-Assessment (SASS) Audit: Progress Report on Service of Process (SOP)

Michigan did not meet the federal benchmark for the Establishment criterion in the Self-Assessment (SASS) audit for fiscal years (FYs) 2013 and 2014, and as a result, OCS implemented a corrective action plan per federal requirements. However, despite Michigan's corrective actions, Michigan is at risk for not meeting the federal benchmark for the Establishment criterion in FY 2015 and FY 2016. OCS recommends that PA offices assess their local office business practices for potential changes that will improve Michigan's performance for the Establishment criterion.

2016-006 (Feb. 29, 2016) Updates to the Federal Tax Refund Offset (FTRO) Fraud Process and to Section 6.21, "Tax Refund Offset," of the Michigan IV-D Child Support Manual

This IV-D Memorandum introduces revised policy surrounding the FTRO fraud process. Several manual steps in this process will be automated with the Michigan Child Support Enforcement System (MiCSES) 9.0 Release (March 4, 2016).

2016-007 (Feb. 29, 2016) Updates to the Generation of the Federal Expiration Date in the Michigan Child Support Enforcement System (MiCSES)

This IV-D Memorandum announces upcoming changes that will affect how MiCSES populates the *Federal Expiration Date*.

2016-008 (Feb. 29, 2016) Implementation of the Online Child Support Response Form (e842) and Revision to Cooperation Timeframes

This IV-D Memorandum announces the statewide implementation of the Online Child Support Response form (e842). The e842 will be available on March 4, 2016, with the Michigan Child Support Enforcement System (MiCSES) 9.0 Release.

